

**Minutes of the Regular Planning Board Meeting
Regular Meeting – July 11, 2005**

1. CONVENE: 7:02 p.m.
2. FLAG SALUTE: Ms. Kohlstrand
3. ROLL CALL: President Cunningham, Kohlstrand, Lynch, Mariani, McNamara and Piziali.

Vice President Cook was absent.

Also present were Deputy City Attorney Julie Harryman, Assistant City Manager Paul Benoit, Supervising Planner Judith Altschuler, Planner III Douglas Garrison,

4. MINUTES:
 - a. Minutes for the meeting of June 13, 2005 (**continued from the meeting of June 27, 2005.**).

M/S McNamara/Piziali to approve the minutes for the meeting of June 13, 2005, as presented.

A quorum for a vote on the minutes was not present. They will be carried over to the next meeting.

- b. Minutes for the meeting of June 27, 2005.

President Cunningham advised that the conditions listed on page 21 should include item 12: “The additional brick detail around the movie poster boxes.”

President Cunningham advised that page 25, paragraph 7, should be changed to read: “President Cunningham believed that the header courses should be fixed, and he was very concerned about the current *brick detail* design.”

M/S McNamara/Piziali to approve the minutes for the meeting of June 13, 2005, as corrected.

AYES – 4 (Cook absent); NOES – 0; ABSTAIN – 2 (Kohlstrand, McNamara)

5. AGENDA CHANGES AND DISCUSSION: None.
6. ORAL COMMUNICATIONS: None.
7. CONSENT CALENDAR: None.

8. REGULAR AGENDA ITEMS

- 8-A. **DR04-0096 – Appeal of Major Design Review 1024 Chestnut St. (DG).** Appeal of Major Design Review allowing remodeling and the addition of a Communications Arts Center and classrooms to the existing Gymnasium located at 1024 Chestnut St. The zoning is R-4-PD (Neighborhood Residential—Planned Development).

Planner III Douglas Garrison summarized the staff report. Staff recommended denial of this appeal. He noted that page 3 of the staff report, under Recommendations, contained an error, reading, “Staff recommends that the City Council conduct a public hearing...” He noted that should read, “Staff recommends that the Planning Board...”

President Cunningham welcomed the City’s new City Manager, Debra Kurita, to the meeting.

In response to Mr. Piziali’s request, Mr. Garrison displayed the layout of the portion of the site in question.

In response to an inquiry by Ms. McNamara, Mr. Garrison replied that the projected height of the trees in between the two doors would be 10 to 20 feet.

In response to Mr. Lynch’s request, Mr. Garrison displayed the proposed remodeling project, and noted that the locker room windows would be removed. The only new windows would be located on the second floor, where the chemistry classrooms would be located, 5.5 feet above the finished floor of those classrooms to provide additional privacy. The windows in the second floor hallway that had been proposed were removed. The remaining window by the exit door was changed to a fixed window to remove noise. The exterior staircases are now enclosed, and will be stuccoed to match the exterior of the buildings.

Ms. Altschuler advised that she was the original planner on this item, and was available to answer questions. She described the new orientation of the courtyard to reduce privacy intrusions.

The public hearing was opened.

Ms. Susan Jaber, speaking for her father, Mr. Jawad Jaber, appellant, noted that only one item had not been addressed, and thanked the applicant in working with them to alleviate the privacy concerns. She distributed a letter provided by Mr. Garrison, addressing the appellant’s concerns. Mr. Jabber had requested a limitation in the hours of the Arts Center, which were adjacent to the appellant’s property. She requested a reasonable time limitation for use of the fire doors (8 a.m. to 6 p.m.), and noted that after an evening performance, the sound of the doors opening and closing would provide a noise problem for them.

Mr. Lynch suggested that the appellant consider a time limit of 45 minutes after a performance, and noted that maintenance staff would need to break down chairs, etc. and use those doors.

Ms. Jaber noted that she was concerned about the privacy and noise issues that affected their tenants. She suggested that the breakdown of chairs may be done the next morning.

Mr. Tony Aiello, applicant, St. Joseph's High School principal, noted that the time limits had been discussed with the appellant in November 2004, and January 2005. He believed the appellants' requests regarding the Arts Center doors were not reasonable as they apply to a school use. Students and staff would not use those doors, but would use the main doors Chestnut Street. He noted that the maintenance staff need to use the doors in question, and added that they would be sensitive to the neighbors. He noted that the janitorial staff did not commence work until 4 p.m. He noted that the school had been very responsive to the concerns of the appellants.

Mr. Andrew Reed, applicant, noted that he was the project manager for the renovation, and emphasized that it was important that the school be able to run in a normal fashion. It had been his understanding in January that there would be no appeal, but that they hired an architect, made the requested changes, and met with the neighbors. He did not wish the performance of the school to be hindered, and added that there were normally two school plays a year for a total of six evenings. The school did not have total control over the janitorial staff, and would not want to promise something they could not guarantee. He requested that the Board uphold staff's recommendation, and to allow the school to exercise common sense. He noted that many accommodations had been reached for the appellants, particularly the removal of the windows in the boys' locker room.

Mr. Jawad Jaber, appellant, expressed concern about potential noise and privacy impacts on his tenants. He was also concerned about the items that changed during their negotiations, and had no issues with the emergency doors. He had been a neighbor of St. Joseph's for 20 years, and added that his children attended the school as well. He requested that alternatives be found for the janitorial staff to avoid privacy impacts on his tenants.

The public hearing was closed for Board discussion.

President Cunningham complimented both parties on the substantial work that had been done, and noted that the applicant had been very responsive to the appellant's concerns. He noted that the design changes that had been made were extensive and costly.

Ms. McNamara supported President Cunningham's comments. She believed the applicant had demonstrated meeting the concerns of Mr. Jaber, as well as the community at large.

In response to an inquiry by Ms. McNamara regarding noise, Ms. Altschuler replied that staff had not received any complaints regarding noise. There had been complaints filed previous to that regarding the parking issues, particularly with respect to basketball championship games.

Ms. McNamara believed the school had been very sensitive to the community's need regarding the noise level, and had no reason to believe that would change. She believed the 6 p.m. restriction was unreasonable, and believed the school would continue to be a positive force in the community.

Ms. Kohlstrand believed that the 6 p.m. limit was too restrictive, and that noise after 10 p.m. would be more disturbing to neighbors than after 6 p.m. She suggested that a later time limit be implemented.

Mr. Lynch was reluctant to enforce a compliance issue when there had been no demonstrated need in the past.

Mr. Piziali agreed with Mr. Lynch's comments, and believed that the appellant had done well to get five out of six items on their list of concerns. He supported staff's recommendation.

Ms. Mariani appreciated the appellants' point of view, and noted that there had been no complaints until the present time.

Ms. Harryman noted that this was a Design Review application, and if there were to be any problems in the future, that could be addressed in a Use Permit revocation hearing.

M/S Piziali/McNamara and unanimous to adopt Planning Board Resolution PB-05-2_ to deny the appeal of a Major Design Review allowing remodeling and the addition of a Communications Arts Center and classrooms to the existing Gymnasium located at 1024 Chestnut St.

AYES – 6 (Cook absent); NOES – 0; ABSTAIN – 0

9. WRITTEN COMMUNICATIONS: None.

10. BOARD COMMUNICATIONS:

- a. Oral Status Report regarding the Alameda Point Advisory Committee APAC (Vice President Cook).

Vice President Cook was not in attendance to present this report.

- b. Oral Status Report regarding Northern Waterfront Plan (Vice President Cook).

Vice President Cook was not in attendance to present this report.

- c. Oral Status Report regarding the Golf Course Committee (Board Member Piziali).

Board member Piziali advised that there was nothing to report at this time.

- d. Oral Status Report regarding Oakland/Chinatown Advisory Committee (Board member Mariani).

Board member Mariani noted there was nothing new to report at this time.

11. STAFF COMMUNICATIONS:

Mr. Benoit noted that the Planning Board bylaws normally scheduled elections during the first meeting of July.

President Cunningham noted that was normally deferred until a full Board was present.

12. ADJOURNMENT: 7:45 p.m.

Respectfully submitted,

Paul Benoit, Interim Secretary
Planning & Building Department

These minutes were approved at the July 25, 2005, Planning Board meeting. This meeting was audio and video taped.